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February 1, 1960.

Re: 54th Annual Report

Dear Sir:

I have the honour to send you herewith the Fifty-fourth Annual Report of The Ontario Municipal Board to December 31, 1959.

Your obedient servant,

L. R. CUMMING
Chairman

The Honourable W. K. Warrender, Q.C.,
Minister of Municipal Affairs,
Parliament Buildings,
Toronto.

54TH ANNUAL REPORT

OF

THE ONTARIO MUNICIPAL BOARD

Year Ending

December 31, 1959

PRESENTED TO THE LEGISLATIVE ASSEMBLY

BY COMMAND

PART I

MEMBERSHIP AND ORGANIZATION

The Membership and Organization of the Board during the period covered by this report was as follows:

L.R. CUMMING, M.A., Q.C., (Appointed February 15, 1950)	Chairman
J.A. KENNEDY, Q.C., (Appointed October 1, 1956)	Vice-Chairman
R.C. ROWLAND, (Appointed June 10, 1947)	Vice-Chairman
C.W. YATES, Q.C., (Appointed August 15, 1951)	Vice-Chairman
R.L. KENNEDY, (Appointed February 15, 1951)	Member
C.F. MUNN, (Appointed July 1, 1952)	Member
W. GREENWOOD, B.Sc., (Appointed January 1, 1953)	Member
D. JAMIESON, (Appointed December 1, 1955)	Member
V.S. MILBURN, (Appointed April 1, 1956)	Member
A.L. McCRAE, (Appointed December 1, 1958)	Member

.....

O.R. CHAPMAN, B.A., (Appointed March 1, 1955) (Resigned December 14, 1959)	Secretary

.....

All members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART I

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

L.E. DUNKLEY, B.A., C.E., (Appointed February 12, 1940)		Chairman
J.A. BENNETT, C.E., (Appointed October 1, 1948)		Vice-Chairman
E.C. MORLAND, (Appointed June 30, 1947)		Vice-Chairman
C.W. YATES, C.E., (Appointed August 12, 1952)		Vice-Chairman
R.L. BROWN, (Appointed February 15, 1952)		Member
C.P. KUHL, (Appointed July 1, 1952)		Member
K. CUNNINGHAM, B.Sc., (Appointed January 1, 1953)		Member
D. LAWRENCE, (Appointed December 1, 1953)		Member
V.S. MILLMAN, (Appointed April 1, 1954)		Member
A.L. MACNAB, (Appointed November 1, 1954)		Member

.....

O.H. CLARKE, B.A., (Appointed March 1, 1955) (Resigned December 14, 1954) | | Secretary

.....

All members and staff are full-time employees and the Board's offices during the year were located in the Confederation Building at 142 Queen Street West, Toronto.

PART II

APPLICATIONS TO THE BOARD

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. Since that time the Board's powers and duties have extended to a variety of subjects contained in numerous public general and special Acts. The present organization of The Ontario Municipal Board is provided for in The Ontario Municipal Board Act (R.S.O. 1950, c.262) as amended. A summary of legislative changes made during the 1959 session affecting the jurisdiction and powers of the Board will be found in Part III of this report. Where the Board acts as an arbitrator the legislation for the most part provides for an appeal to the Court of Appeal of Ontario from any decision or order of the Board on questions of both law and fact, and the rights of appeal are substantially the same as those available to the claimant or the expropriating authority in cases where the arbitration is conducted by a county judge or an official arbitrator.

Under the classification of administrative functions the Board is required to make decisions based upon policy and expediency within certain limits laid down in the legislation, and to exercise to a degree administrative control in the interests of sound local government.

The Board has always attempted to follow certain fundamental principles with respect to its procedure, similar to the practice of the courts, in order to secure a fair hearing for all interested parties. The Board's decisions are necessarily based on the evidence and arguments submitted at its public hearings and written reasons for its decisions are issued and forwarded to parties represented by counsel, and to any others requesting a copy thereof, unless a decision has been announced orally at the conclusion of the hearing, in which case confirmation of the decision is given in writing at a later date.

arrangements have been made for periodical publication by the Department of Municipal Affairs of significant decisions of the Board. The first report was issued in 1958 and a report for the year 1959 is now being prepared. These reports are intended to serve as a guide to municipal officials, the legal profession, and other interested persons.

In order to carry out its functions as an administrative tribunal the Board must first determine, on the municipality's application for approval of the work or project, whether the local corporation has complied with all the requirements and conditions which have been imposed in the enabling legislation. The Board's decisions or orders on these legal questions are all subject to review by the Court of Appeal by leave of that court under section 98 of The Ontario Municipal Board Act. As to decisions of the Board relating to matters within its discretionary powers an appeal may be taken only to the Lieutenant-Governor in Council in accordance with section 97 of The Ontario Municipal Board Act. Under section 14 of The Municipal Act objections to annexation or amalgamation decisions may be brought before the Lieutenant-Governor in Council, who may either confirm the Board's decision or require a new public hearing to be held.

VOLUME OF WORK

The following table indicates the number of applications received, the number of orders issued, and the number of days required for public hearings during the year 1959, with comparative totals for the previous year:

Number of Applications	1959	1958	Totals 1959	1958
Capital expenditures	2,567	2,225		
Miscellaneous	1,801	1,206	4,368	3,431
Number of Orders Issued				
Capital expenditures	3,692	3,740		
Miscellaneous	1,144	1,116	4,836	4,856
Days of Public Hearings				
Annexations & Amalgamations	121	68		
Arbitrations	121	109		
Assessment Appeals	110	213		
Restricted Area By-laws, including references and appeals under The Planning Act	1,013	1,016		
Capital expenditures, including Local Improvements and Dispensation of Vote	408	486		
Incorporations and Erections	14	16		
Drainage Appeals	—	4		
Special Legislation	4	4	1,793	1,916

It will be noted that there has been a substantial increase in the number of capital expenditure and miscellaneous applications to the Board in 1959. In many cases extensive inquiries and lengthy hearings are required involving the adjudication of highly contentious issues. The total number of applications received in any year does not necessarily indicate the extent of the Board's work but is rather more accurately shown in the number of days required for the conduct of public hearings.

MUNICIPAL CAPITAL EXPENDITURES

In the interests of both provincial and local taxpayers sound municipal administration throughout the province must be maintained. The duties and powers of the Board in this respect are of the greatest importance. The tremendous development of the economy of the province over the past few years has imposed severe obligations upon local municipalities. School building programs are now greater than at any time in the history of the province. During 1959 the Board approved capital expenditures for schools amounting to $95,475,429.27 as compared with $57,332,124.06 in 1958 and $54,886,112.31 in 1957.

A detailed classification of proposed municipal capital expenditures approved by the Board during the year 1959 will be found in Schedule "A" to this report, together with comparative totals for the previous year. It will be noted that the total amount approved in 1959 was $284,040,812.67 while the total for 1958 was $511,859,511.57. However, this is due to the approval in 1958 of the application of The Municipality of Metropolitan Toronto of the undertaking of the construction of the subway at an estimated cost of some $200 million.

The following table shows the number of new capital expenditure applications received in 1959 and the total amount approved in each of the past three years.

Year	Number	Amount
1957	1,970	$258,634,295.33
1958	2,225	511,859,511.57
1959	2,567	284,040,812.67

THE ONTARIO WATER RESOURCES COMMISSION

A municipality may enter into an agreement with the Commission for the construction and operation of waterworks or sewage works under The Ontario Water Resources Commission Act, 1957. The agreement remains in force until all the obligations of the municipality to the Commission have been discharged. The municipality is required to repay annually the cost of construction and maintenance, including interest and debt charges and reserves for renewals, replacements and contingencies, during the currency of the agreement in the manner provided in the Act. The approval of the Ontario Municipal Board under section 67 of the Board Act is required with respect to the debt which is to be repaid in a future year or years. If the annual payments to the Commission are to be raised in whole or in part by special rates of any kind the Board must also approve the special rating scheme before the work is undertaken. When an application is submitted to the Board by the Commission on behalf of the municipality or municipalities the Board must determine in the first instance whether the proposed additional debt is within the financial capacity of the municipality.

In 1959 the Board received 67 applications for approval of projects to be undertaken by the Commission at a cost of $17,573,783.

INCORPORATIONS, ANNEXATIONS AND DISSOLUTIONS

During the year 1959 the Board ordered the incorporation of one improvement district and four villages. Three former villages were erected into towns, one improvement district was erected as a village, and four improvement districts were erected as townships. Details of these changes are included in the annual report of the Department of Municipal Affairs and need not be included in the Board's report.

ANNEXATIONS

During 1959 the Board delivered decisions on twenty-nine applications for changes in municipal boundaries by annexation or amalgamation; twenty-five applications were granted in whole or in part and four were dismissed. In the case of two of these applications, that of the City of Sudbury and that of the Townships of Hay and Bright Additional, objections were filed as provided in the statute and in each case the decision of the Board was subsequently confirmed by Order-in-Council.

The application by the City of Sudbury was for the amalgamation and annexation of a very large area, in excess of seven geographic townships. The Board's decision provided for the amalgamation of the City of Sudbury with the Township of McKim and the Town of Frood Mine and for the annexation of the west half of the Township of Neelon. In this case, while the hearing was in progress an Order-in-Council was made under section 42a of The Ontario Municipal Board Act directing the Board to make the inquiry mentioned in that section. The order for annexation and amalgamation became effective January 1, 1960.

Another application made by the City of London for the annexation of a very substantial area including parts of the Town-

ships of London, Westminster, North Dorchester and West Nissouri was heard by the Board during 1959. After the passing of the enabling by-law by the City Council and prior to the granting of an appointment, an Order-in-Council was passed under section 46a of The Ontario Municipal Board Act directing the Board to make the further inquiry contemplated by that section. This hearing has now been completed and the application is under consideration by the Board.

An order was made on an application by the City of Hamilton for the annexation to the city of lands in the Townships of Glanford, Barton, Ancaster and Saltfleet comprising in all 8443 acres. By this order the balance of the land remaining in the Township of Barton was annexed to the city, so that the township was, in effect, dissolved.

ARBITRATIONS

During the year 1959 the Board disposed of 62 applications for the determination of compensation or damages to be allowed for lands taken or injuriously affected by provincial or municipal authorities as follows:

The Grand River Conservation Commission Act (2)
The Highway Improvement Act (33)
The Municipality of Metropolitan Toronto Act (1)
The Municipal Act (8)
The Power Commission Act (1)
The Public Works Act (1)
The Municipal Drainage Act (2)
The Secondary Schools and Boards of Education Act (6)
The Ontario Municipal Board Act (1)
The Pipe Lines Act (5)
The St. Lawrence Development Act (2)

ASSESSMENT APPEALS

During the year 1959 the Board dealt with 347 assessment appeals under the following legislation:

The Assessment Act

The Municipal Tax Assistance Act

The Power Commission Act

The Local Improvement Act

The Mining Tax Act

Of these appeals 330 were filed in 1959, 17 filed prior to 1959, 24 allowed, 72 dismissed or withdrawn, and 251 are outstanding.

THE PLANNING ACT, 1955

Under this legislation the following applications were made to the Board during the year 1959:

Appeals from Committees of Adjustment	136
Applications for approval of proposed official plan amendments	24
Applications for approval of proposed plans of subdivisions	16
Application for a declaration that a restricted area by-law is in conformity with the official plan	1
Applications for approval of plans of redevelopment	2
Applications for approval of restricted area by-laws	945
Appeals to the Board for a direction that a restricted area by-law be amended	48

In each case the Board directed notice of hearing to all persons and public authorities directly concerned, as well as to the owners of lands within a reasonable distance of the area affected.

The provisions respecting restricted area by-laws formerly contained in section 390 of The Municipal Act were re-enacted by the

Legislature in the year 1959 as section 27a of The Planning Act. During the year 1959 the Board held a large number of public hearings of applications for approval of by-laws under this legislation. The number of applications made to the Board under this legislation during the year, with comparative figures for previous years, is as follows:

Year	Restricted Area By-laws (new)	Restricted Area By-laws Amending or Repealing	Total
1956	146	641	787
1957	130	544	674
1958	147	660	807
1959	149	844	993

ANNEXATION DECISIONS - 1959

Date of Decision	To	From	Effective Date	Acreage	File No.
Apr. 22,1959	Cobourg, Town	Hamilton, Twp.	Jul. 1,1959	344	M-6878
Sep. 11,1959	Coniston,Town	Neelon, Twp.	Nov. 1,1959	-	M-7275
Feb. 2,1959	Capreol, Town	Capreol, Twp.	Apr. 1,1959	741	M-7572
Dec. 15,1958	Aston, Town	Esquesing, Twp.	Jan. 1,1959	87.45	M-7647
Mar. 13,1959	Dundas, Town	Ancaster and West Flamborough, Twps. (parts)	Jan. 1,1960	2278	M-7744
Jan. 28,1959	Hamilton, City	Barton,Glanford, Ancaster & Saltfleet, Twps.(pt.)	Jan. 1,1960	8.33	M-7855
Nov. 18,1958	Streetsville, Village	Toronto, Twp.	Jan. 1,1959	144.96	M-7857
Mar. 31,1959	Galt, City	North Dumfries, Twp.	Jan. 1,1960	4506	M-7907
May 27, 1959	Dryden, Town	Van Horne, Unorg.Twp.	Jan. 1,1960	1257	M-8030
Feb. 10,1959	Port Dover, Town	Woodhouse, Twp.	Apr. 1,1959	273.53	M-8066
Dec. 31,1958	Peterborough, City	North Monaghan, Twp.	Feb. 1,1959	3.48	M-8112
Dec. 29,1958	London, City	Westminster, Twp.	Feb. 1,1959	170	M-8146

Date of Decision	To	From	Effective Date	Acreage	File No.
Nov. 6,1959	Day & Wright Add'l, Twps,	Improvement District of Gladstone (pt) Unorg. Twp. Gladstone (pt)	Dec. 31,1959	-	M-8312
Apr. 22,1959	Newmarket, Town	Whitchurch, Twp.	Jan. 1,1960	667	M-8440
Jun. 18,1959	Richmond Hill, Town	Vaughan, Twp.	Jan. 1,1960	37.733	M-8652
Aug. 17,1959	Brockville, Town	Elizabethtown, Twp.	Jan. 1,1960	5350	M-8666
Jun. 30,1959	Ridgetown, Town	Howard, Twp.	Aug. 1,1959	5.89	M-8738
Jul. 27,1959	St.Clair Beach, Village	Maidstone, Twp.	Sep. 1,1959	117	M-8742
Jul. 7,1959	Port Credit, Village	Toronto, Twp.	Aug.15,1959	3.01	M-8957
June 26,1959	Sault Ste. Marie, City	Tarentorus, Twp.	Aug. 1,1959	21.57	M-9056
June 26,1959	Sault Ste. Marie, City	Tarentorus, Twp.	Aug. 1,1959	2.92	M-9096
Jul. 16,1959	Hespeler, Town	Waterloo, Twp.	Sep. 1,1959	10.56	M-9122
Aug. 25,1959	Orillia, Town	Orillia South, Twp.	Oct. 1,1959	66.29	M-9235
Dec. 9,1959	Meaford, Town	St. Vincent, Twp.	Feb. 1,1960	4.50	M-9330
Oct. 14,1959	Brantford, City	Brantford, Twp.	Jan. 1,1960	136.1	M-9337
Oct. 8,1959	Alliston, Town	Tecumseh, Twp.	Jan. 1,1960	192.92	M-9350
Dec. 29,1959	Waterloo, City	Waterloo, Twp.	Mar. 31,1960	1750.89	M-9494
Oct. 29,1959	Clinton, Town	Hullett, Twp.	Jan. 1,1960	18.7	M-9515

AMALGAMATION DECISION - 1959

Nov. 12,1959	Sudbury, City	Town of Frood Mine and Twp. of McKim amalgamated with the City and the west half of Neelon Township annexed to the City	Jan. 1,1960	-	M-5143

PART III

1959 LEGISLATION AFFECTING THE JURISDICTION OF THE ONTARIO MUNICIPAL BOARD

1. The Municipal Amendment Act, 1959 (O.S. 1959, c. 62)
(Effective March 26, 1959)

Subsection (3) of section 315 is amended to permit municipalities, with the approval of the Ontario Municipal Board, to apply the whole or any part of the amount realized from the sale of debentures which is not required for the purposes for which the debentures were issued, to meet the whole or a portion of any other capital expenditure, provided the liability is upon the same class of ratepayer.

2. The Ontario Municipal Board Amendment Act, 1959 (O.S. 1959, c.67)
(Effective March 26, 1959)

SUPPLY OF WATER OR SEWAGE SERVICE. Formerly the Municipal Board could confirm, vary or fix rates charged to one municipality in connection with water supplied thereto by another municipality. Clause j of subsection (1) of section 56 is amended to extend this authority to sewage service.

3. The Planning Amendment Act, 1959 (O.S. 1959, c. 71)
(Effective May 25, 1959)

SUBDIVISION AGREEMENTS. New subsections are added to section 26 enabling municipalities to enter into agreements as a condition to the approval of a plan of subdivision, and these subsections are as follows:

(5a) .....

(5b) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister or by the municipality, as the case may be, he or it may, at any time before the plan of subdivision is approved, require the matter to be referred to the Municipal Board by written notice to the Secretary of the Board and to the Minister, in which case the matter shall be deemed to be referred to the Board under section 29. (Effective March 26, 1959)

PART IV

GENERAL

REVENUE

In compliance with the requirement of section 102 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders, a copy of which is available without charge upon application to the Secretary of the Board.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1959 and the preceding four years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31, 1959.

Fiscal Year	Amount
1954-55	$ 264,674.90
1955-56	264,098.16
1956-57	293,321.49
1957-58	272,339.09
1958-59	328,181.66

As a matter of interest the revenues of the Board for the calendar year amounted to $338,551.25.

All of which is respectfully submitted.

DATED at Toronto this 1st day of February, 1960.

L. R. CUMMING,
Chairman.

SCHEDULE "A"

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1959

SHOWING COMPARATIVE FIGURES FOR 1958

I - MUNICIPAL

	Amount Approved	Totals 1959	1958
(1) General Government			
Civic Buildings	$ 7,255,286.85		
Civic Equipment	10,500.00	$ 7,265,786.85	$ 9,741,340.96
(2) Protection to Persons & Property			
Fire	1,269,537.20		
Police	442,390.64		
Court Houses	6,671,447.87		
Street Lighting	138,832.65	8,522,208.36	2,883,572.22
(3) Public Works			
(a) Streets, Roads, Lanes	32,158,252.36		
Sidewalks	4,986,170.05		
Bridges	12,737,550.24		
Road Machinery	987,163.79		
Tunnels, Subways	2,487,632.52		
Workshops & Yards	206,000.00	53,562,768.96	129,436,739.29
(b) Watermains	15,884,329.35		
Storm Sewers, Drains, & Ditches	18,402,193.24		
Conservation	262,375.00		
Viaducts	2,600,000.00	37,148,897.59	28,258,381.22
(4) Sanitation and Waste Removal			
Sanitary Sewers	23,285,074.75		
Sewage Treatment Works	1,450,375.54		
Garbage & Waste Collection	33,000.00	24,768,450.29	37,313,147.17
(5) Health			
Hospital Grants	9,055,394.50		
Clinics	94,700.00	9,150,094.50	3,976,909.00
(6) Social Welfare			
Welfare Offices	97,300.00		
Homes for the Aged	5,246,879.30		
Charitable Institutions	35,597.00	5,379,976.30	3,082,011.00

SCHEDULE "A" - continued

			Totals	
			1959	1958
(7)	Recreation Services	Amount Approved		
	Parks	$ 3,030,756.00		
	Golf Courses	27,500.00		
	Skating Rinks, Arenas	739,620.00		
	Swimming Pools, Beaches	634,956.00		
	Community Centres	1,138,600.00	$ 5,571,432.00	$ 9,094,396.13
(8)	Community Services			
	Libraries	386,962.00		
	Housing	574,130.00	961,092.00	4,214,744.00
		General Government	$152,330,708.85	$228,001,240.99
	II - EDUCATION			
	Elementary Schools	$ 47,514,519.27		
	High Schools	47,960,910.00	$ 95,475,429.27	$ 57,332,124.06
	III - UTILITIES AND MUNICIPAL ENTERPRISES			
	Electric Utilities	$ 14,447,842.00		
	Water Works	5,210,306.55		
	Municipal Telephone	745,284.00		
	Transportation	7,723,009.00		
	Acquisition of Land (Industrial)	4,208,969.00		
	Others - including Parking Lots	3,899,264.00	$ 36,234,674.55	$226,526,146.52
	SUMMARY			
	General Government		$152,330,708.85	$228,001,240.99
	Education		95,475,429.27	57,332,124.06
	Municipal Enterprises		36,234,674.55	226,526,146.52
			$284,040,812.67	$511,859,511.57

CAPITAL EXPENDITURES 1959

SEPARATE STATEMENT OF LOCAL DEBT AND GENERAL DEBT

General Government	Local Debt	General Debt	Total
1 & 2		$ 7,265,786.85 8,522,208.36	$ 15,787,995.21
Public Works	$ 36,946,812.40	53,764,854.15	90,711,666.55
Sanitation	12,901,236.16	11,867,214.13	24,768,450.29
Health		9,150,094.50	9,150,094.50
Social Welfare		5,379,978.30	5,379,978.30
Community Services		961,092.00	961,092.00
Recreation Services		5,571,432.00	5,571,432.00
Education		95,475,429.27	95,475,429.27
Electric Utilities		14,447,842.00	14,447,842.00
Water Works		5,210,306.55	5,210,306.55
Municipal Telephone		745,284.00	745,284.00
Acquisition Lands (Industrial)		4,208,969.00	4,208,969.00
Transportation		7,723,009.00	7,723,009.00
Others - including Parking Lots		3,899,264.00	3,899,264.00
	$ 49,848,048.56	$ 234,192,764.11	$ 284,040,812.67